

From: hermest@thebestisp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Proposed Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
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Washington, DC 20530-0001

January 23, 2002

Under the Tunney Act, I write to comment on the proposed Microsoft settlement. I will begin by stating my agreement with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), which thoroughly covers a variety of substantial weaknesses in this proposed settlement that would render it largely ineffective for providing remedies to the Microsoft Corporation's illegal anti-competitive practices.

I urge the Department of Justice to consider the technical issues discussed widely in the analysis of Mr. Kegel and others. The proponents and creators of alternative operating systems such as Linux and Windows software compatibility applications such as WINE have a unique perspective to understand the issues of technical barriers that can be exploited by the Microsoft corporation to continue its illegal practices while obeying the technical demands of the proposed settlement.

Finally, I join Mr. Kegel in many others in urging the Department of Justice to more clearly delineate the mechanisms and processes for enforcing this agreement. The Microsoft Corporation has repeatedly demonstrated a notorious disregard and disrespect for the law, and there is every reason to believe that it will take advantage of any opportunity to engage in behaviors that will erode the intent of this judgement. Without appropriately defined oversights, authorities to lead and oversee remedies for failure to comply, and the insurance of penalties sufficient to force compliance, it is unlikely that the proposed settlement will result in any true creation of greater competitive environments in the markets currently dominated by the Microsoft Corporation's illegal monopolistic business practices.

Thank you for your attention in this matter.

Sincerely,

Jonathan M. Hamlow

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